IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 31ST OCTOBER 2006 / 9TH KARTHIKA 1928

Bail Appl. No. 6297 of 2006()

CRIME NO. 68/05 OF KODUMON POLICE STATION

PETITIONER/ACCUSED:

OMANAKKUTTAN, AGED 42 YEARS,
S/O. NARAYANAN, PALACHUVATTIL,
THALAYARA, ANGADICAL VILLAGE, ADOOR TALUK.

BY ADV. SRI.V.SETHUNATH

RESPONDENTS:

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1. S.I. OF POLICE,
KODUMON POLICE STATION.

2. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTORSRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 6297/2006

DATED THIS THE 31ST DAY OF OCTOBER, 2006

O R D E R

The petitioner is before this Court for a pre-arrest order, in crime No.68/2005 of Kodumon Police Station, as he is facing the allegation for the offence punishable under Sections 8(1) & (2) and 55(g) of the Abkari Act, for he was found in illegal possession of 565 litres of wash. Hence this application.

2. The learned counsel appearing for the petitioner, submitted that the petitioner is innocent. Though there were some cases registered against the petitioner, he is not now engaged in any such activities, connected with Abkari violations. However, this had been denied by the prosecution. The further submission of the learned counsel is that the petitioner, accused, was earlier alleged to have committed the offence under the Abkari Act. But this false case had been deliberately registered against the petitioner. Hence, he prays for a pre-arrest order.

3. After hearing both sides and considering the above circumstances, I am of the opinion that granting a pre-arrest order in this case, would be against the interest of the prosecution.

4. Needless to say that it is for the petitioner to establish his contentions as per the law, at the time of the trial. But as I am not inclined to grant an order under Section 438 Cr.P.C., the petitioner may work out his own remedies, according to the law and procedure.

The application is closed as above.

J.M.JAMES
JUDGE

mrcs